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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant: William T. Hamrick

Group No.: 3635

Application No.: 09/768,964

Examiner: Steve M. Varner

Filed: 01/24/2001

For: PORTABLE COVERED  
WALKWAYCommissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

The Applicant hereby files this its Petition to withdraw the holding of abandonment of the pending patent application, Patent Application No. 09/768,964 filed on January 24, 2001.

Applicant received a Notice of Abandonment dated June 18, 2003, which states that the application has been abandoned because the Applicant's reply received on March 4, 2003 does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection because no proposed drawing correction or corrected drawing had been received since October 29, 2002.

The present application was filed on January 24, 2001. On April 12, 2002, a non-final Office Action was mailed, rejecting all of the pending claims. That Office Action did not include any reference to corrections to any of the drawings.

The Applicant submitted a response to the outstanding Office Action on August 6, 2002, and the appropriate petition for extension of one month to respond to the Office Action.

The Applicant's response included the addition of claims 15-26. In specific, the additional claims included claim 23, which recites "a cylinder disposed within said female joint."

A second non-final Office Action was mailed October 29, 2002, which rejected all of the claims and also included an objection to the drawings as follows:

The drawings are objected under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cylinder disposed within the female joint as stated in claim 23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

However, the objection is misplaced and has no merit. The cylinder in claim 23 is clearly shown in FIGs. 15 and 19, and referenced on page 12 of the pending application, which states specifically, "the two female joint portions 38 are interconnected by a pair of cylinders 60" (p. 12, ln. 12-13). The cylinders 60 are described in more detail in the remaining portion of page 12 through page 13. Thus, the drawings have always shown every feature of the invention specified in the claims, in compliance with 37 C.F.R. §1.83(a).

Subsequent to the second Office Action, the Applicant submitted two petitions for extension of time with the appropriate fees to extend the time to respond through March 29, 2003.

On two different occasions, the undersigned had detailed telephone conferences with the Patent Examiner, Mr. Varner, to discuss cited prior art and claims that may be allowable over the prior art. In fact, the undersigned was under the impression that Mr. Varner, while not agreeing that certain features of the invention may be allowable, did indicate that there were some distinguishable features over the prior art. The undersigned had telephone conferences with the Examiner on February 11, March 3 and March 6, 2003.

Applicant submitted proposed amended claims to the Examiner prior to the conference on March 6, 2003. After a productive telephone conference and substantial amount of work conducted by both the undersigned and the Examiner, the Applicant submitted a response by facsimile on March 31, 2003, which included amended claims and argument over the prior art. The undersigned acknowledges that the response does

not make reference to the Examiner's objection to the drawings. However, as noted above, a review of the specification clearly shows that the objection has no merit. The cylinders referred to in claim 23 are clearly identified in the specification on pages 12 and 13.

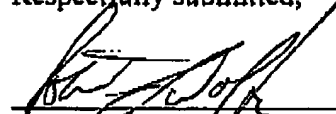
Indeed, the undersigned even called the Examiner approximately three weeks ago and spoke with Mr. Varner, asking Mr. Varner the status of the amendment and application. At that time, the undersigned advised Mr. Varner that if he needed any information or assistance on the part of the undersigned, he could contact the undersigned. The next communication received from the Patent Office was the subject Notice of Abandonment.

The Applicant has made a bona fide attempt at a proper reply to the Office Action dated October 29, 2003, and indeed, it would appear upon review of the file and that Applicant fully responded to the Office Action.

Applicant has exercised diligence and cooperation with the Patent Office and Examiner, and hopes to continue the prosecution of application without the expense and delay of a petition to revive an unintentionally abandoned application. Accordingly, the Applicant respectfully requests that the application be withdrawn from abandonment.

If further prosecution of this application can be facilitated via telephone conference, the Examining Attorney is invited to contact the undersigned at (407) 926-7706.

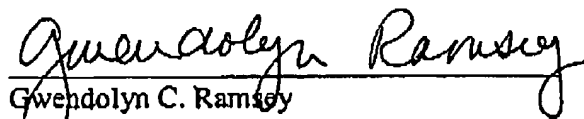
Respectfully submitted,



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**CERTIFICATE OF FACSIMILE**

I hereby certify that the foregoing Petition to Withdraw Holding of Abandonment is submitted by facsimile to Commissioner for Patents, Attention: Steve Varner/Carl Friedman, at (703) 872-9326 this 25<sup>th</sup> day of June, 2003.

  
Gwendolyn C. Ramsey